

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to utility records

The Utilities Board hereby amends Chapter 18, “Utility Records,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.4, 476.2 and 476.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 476.9, 476.31 and 546.7.

Purpose and Summary

The purpose of this rule making is to update and amend the Board’s rules regarding access and retention of utility records. The amendments are designed to update references to utility record standards and update the scope of utilities subject to the provisions of the chapter. The dates of federal regulations are updated so that whatever a regulated utility files with a federal agency is also filed with the Board. On December 28, 2018, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2016-0034.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 1, 2018, as **ARC 3913C**. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Interstate Power and Light Company (IPL); and the Iowa Communications Alliance (ICA) filed comments addressing the Notice of Intended Action. OCA indicated it had no objection to the Notice of Intended Action. IPL indicated it had no further suggested revisions to the rules. ICA noted it did not object to the scope of proposed rule 199—18.8(476) but questioned why a new rule was needed to enforce a federal records preservation requirement. ICA urged the Board to avoid using the rule to adopt any new obligations to affirmatively make new filings or certifications to certify compliance with the rule.

After review, the Board found that the revisions to Iowa Code section 476.9 made by 2018 Iowa Acts, House File 2446, which was signed into law on May 17, 2018, exempt telecommunications service providers, including those that have to file tariffs with the Board, from record keeping prescribed by the Board. Accordingly, the Board has modified the amendment proposed in Item 10 of the Notice of Intended Action by rescinding rule 199—18.8(476) without adopting new language for the rule. No other changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on December 28, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. These amendments update and amend existing rules that are required to be followed for retention and access to utility records.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 6, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 199—18.2(476) as follows:

199—18.2(476) Location of records. All records required by any rules of the board, or necessary for the administration thereof, shall be kept or made accessible within this state unless otherwise authorized by the board. Any transfer of records from a location outside this state to another location outside this state shall also require prior board authorization, but a transfer from outside this state to a locale within this state may be made with only prior notification to the board.

The board is to be notified by each rate-regulated gas utility and electric utility within 30 days of any change in the address, telephone number, or business hours of the utility's principal office for Iowa operations. A utility providing gas and electric service may designate one principal office for both types of utility operations or a separate principal office for each type of utility operation. Notwithstanding any other provision of these rules, the following books, accounts, papers, and records, or current copies thereof, are required to be maintained or made accessible at the utility's principal office for Iowa operations:

18.2(1) The utility's tariffs.

18.2(2) A record of the number and business location of the utility's administrative, technical, and operating personnel within the state.

18.2(3) The most recent inspection report.

18.2(4) The most recent rate case filing.

18.2(5) Annual reports for the past five years.

18.2(6) Shareholder's reports for the past five years.

18.2(7) Form IG-1 (gas utilities).

18.2(8) Form IE-1 (electric utilities).

18.2(9) Information regarding the location of other books, records, and accounts required by the board to be maintained ~~by the board~~ or made accessible pursuant to statute or rule.

ITEM 2. Amend subrule 18.4(1) as follows:

18.4(1) Units of property. Electric utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Electric Plant in accordance with 199—16.2(476), ~~which adopts the 2000 FERC rules, 18 CFR Part 101, Electric Plant Instructions.~~

ITEM 3. Amend subrule 18.4(2) as follows:

18.4(2) Preservation of records. All electric utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of Part 125 of the FERC rules, 18 CFR Part 125, Preservation of Records of Public Utilities and Licensees, as issued on ~~April 1, 2000~~ August 15, 2000. Rate-regulated companies shall further ensure the preservation of records of associated companies,

whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 4. Amend subrule 18.5(1) as follows:

18.5(1) *Units of property.* Rural electric cooperatives (RECs) subject to rate regulation by the board shall adopt the RUS rules contained in RUS 7 CFR Part 1767 ~~issued January 1, 2002~~ published May 27, 2008. The REC shall maintain sufficient records to support additions to plant, retirement units, and replacements of electric plant, in accordance with 7 CFR Part 1767.10, Definitions, 7 CFR Part 1767.15, General Instructions, 7 CFR Part 1767.16, Electric Plant Instructions, and 7 CFR Part 1767.20, Plant Accounts.

ITEM 5. Amend subrule 18.5(2) as follows:

18.5(2) *Preservation of records.* Rural electric cooperatives shall preserve the records of their operations in accordance with the provisions of the RUS rules contained in RUS Bulletin 180-2, ~~Manual for Preservation of Borrowers Records (Electric)~~ Record Retention Recommendations for RUS Electric Borrowers, issued June 6, 1972 issued June 26, 2003.

ITEM 6. Amend subrule 18.6(1) as follows:

18.6(1) *Units of property.* Gas utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Gas Plant in accordance with 199—16.3(476), ~~which adopts the 2000 FERC rules, 18 CFR Part 201, Gas Plant Instructions.~~

ITEM 7. Amend subrule 18.6(2) as follows:

18.6(2) *Preservation of records.* All gas utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of FERC rules, 18 CFR Part 225, Preservation of Records of Natural Gas Companies, as issued ~~April 1, 2000~~ August 15, 2000. Rate-regulated companies shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 8. Amend subrule 18.7(1) as follows:

18.7(1) *Units of property.* Water, sanitary sewage, and storm water drainage utilities subject to rate regulation shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Water Plant in accordance with 199—16.4(476) ~~which adopts the 1996 NARUC uniform systems of accounts for Class A, B, and C water utilities.~~

ITEM 9. Amend subrule 18.7(2) as follows:

18.7(2) *Preservation of records.* All water, sanitary sewage, and storm water drainage utilities subject to regulation by the board shall preserve the records of their operations in accordance with the provisions of the NARUC guidelines: Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, revised ~~May 1985~~ October 2007 edition. Regulated water, sanitary sewage, and storm water drainage utilities shall further ensure the preservation of records of associated companies, whether or not the associated companies are themselves utilities, as necessary to support the cost of services rendered to the utility by the associated companies.

ITEM 10. Rescind and reserve rule **199—18.8(476)**.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/30/19.